

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MARIO ANTHONY ALLEN,)
)
Petitioner,)
)
v.) No. 1:20-cv-01852-JPH-DML
)
WENDY KNIGHT,)
)
Respondent.)

ORDER DIRECTING RETURN OF DOCUMENTS AND CLOSING CASE

Mario Anthony Allen's petition for a writ of habeas corpus challenges his conviction and sentence in Indiana state court case number 46D01-0306-FB-000072. He previously challenged this same conviction in this Court. That petition was denied on the merits. *See Allen v. Brown*, No. 2:13-CV-0386-LJM-WGH, 2015 WL 7288632, at *1 (S.D. Ind. Nov. 17, 2015).

When there has already been a decision in a federal habeas action, to obtain another round of federal collateral review a petitioner requires permission from the Court of Appeals under 28 U.S.C. § 2244(b). Here, the petitioner has previously sought federal habeas relief for the conviction at issue in his petition. There is no indication he has been granted permission from the Court of Appeals to pursue a successive petition. To the contrary, on February 21, 2018, the Seventh Circuit sanctioned the petitioner for his repeated frivolous filings. *See Allen v. Knight*, No 18-1317 (7th Cir. Feb. 21, 2018). That order instructs all courts in the Seventh Circuit to return unfiled any collateral attack on the petitioner's 2004 conviction. This action was therefore improvidently opened in contravention of the filing restriction.

Accordingly, the clerk is **directed** to return all documents in this action to the petitioner as unfiled and void any file stamp from this Court on the documents. The petitioner's motion for leave to proceed *in forma pauperis*, dkt. [2], is **denied as moot**.

The clerk is **directed** to close this action on the docket. No final judgment shall issue because no claims were adjudicated in this action.

SO ORDERED.

Date: 7/24/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

MARIO ANTHONY ALLEN
143473
PENDLETON - CORRECTIONAL INDUSTRIAL FACILITY
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